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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

LANDRY ET AL.

SERIAL NO: 10/733,777

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FOR: REFRIGERATOR-OVEN



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: EXAMINER: UNKNOWN

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: GROUP ART UNIT: UNKNOWN

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37 CFR 1.607 REQUEST FOR AN
INTERFERENCE WITH A PATENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

I. 37 CFR 1.607(a)(1)

The patent is U.S. patent No. 6,497,276 (hereinafter the "276 patent") issued December 04, 2002 and naming Clark et al. as inventors. The '276 patent was not assigned at issue.

II. 37 CFR 1.607(a)(2)

Applicant proposes the following count, which is in the format approved by the Commissioner in *Orikasa v. Oonishi*, 10 USPQ2d 1999, 2003 (Comm'r 1990), and *Davis v. Uke*, 27 USPQ2d 1180, 1188 (Comm'r 1993):

Claim 1 in the '276 patent

OR

Claim 1 in the instant application.

III. 37 CFR 1.607(A)(3)

All 20 claims in the 6,497,276 patent correspond to the proposed count.

IV. 37 CFR 1.607(a)(4)

Claims 1-20 of the instant application correspond to the proposed count. While claims 2-20 do not correspond exactly to the proposed count, applicant does not currently argue that any of those claims is drawn to a separate patentable invention within the meaning of 37 CFR 1.601(n).

V. 37 CFR 1.607(A)(5)

The terms of the application claims identified as corresponding to the proposed count can be applied to the disclosure of the application as follows:

Terms of the Claims		Application to the Disclosure of the Application
<p>1. A combination appliance apparatus, comprising:</p> <p style="padding-left: 40px;">an enclosed chamber including top, bottom, and vertical side walls, wherein one of top, bottom, and vertical side walls having an airflow inlet opening;</p> <p style="padding-left: 40px;">gate means adapted for removably blocking the airflow inlet opening;</p> <p style="padding-left: 40px;">a heating unit positioned in the enclosed chamber;</p> <p style="padding-left: 40px;">a refrigeration unit positioned outside of the enclosed chamber and having</p>		<p>Pg. 8, lines 5-9; Figs. 11-13.</p> <p>Pg. 9, lines 26-28 to Pg. 10, lines 1-10.</p> <p>Pg. 2, lines 21-22; Fig. 13.</p> <p>Pg. 2, lines 22-25.</p>

<p>a cool air duct coupled to the airflow inlet opening; and</p> <p>a controller in communication with the gate means, the heating unit, and the refrigeration unit for selectively activating the combination appliance apparatus; wherein</p> <p>when a cooling mode is selected, the controller actuates the gate means to unblock the airflow inlet opening and activates the refrigeration unit to deliver cool air through the cool air duct to the enclosed chamber; and</p> <p>when a heating mode is selected, the controller actuates the gate means to block the airflow inlet opening and activates the heating unit.</p>		<p>Pg. 10, lines 14-29 to Pg. 11, lines 1-11.</p> <p>Pg. 10, lines 5-9.</p> <p>Pg. 10, lines 10-13.</p>
<p>2. The combination appliance apparatus of claim 1, further comprising surface burners mounted on top of the enclosed chamber.</p>		<p>Pg. 8, lines 9-10; Figs. 11-13.</p>
<p>3. The combination appliance apparatus of claim 1, wherein:</p> <p>the enclosed chamber has an airflow outlet opening;</p>		<p>Pg. 9, lines 26-28</p>

<p>the refrigeration unit has a return air duct coupled to the airflow outlet opening; and</p> <p>the apparatus further comprises second gate means adapted for removably blocking the airflow outlet opening, the controller being in communication with the second gate means to actuate the second gate means to unblock the airflow outlet opening when the cooling mode is selected and to block the airflow outlet opening when the heating mode is selected.</p>		<p>Pg. 2, lines 25-28.</p> <p>Pg. 10, lines 5-9.</p>
<p>4. The combination appliance apparatus of claim 1, wherein the heating unit includes one of an electrical resistance heating element and a gas burner mounted on an interior surface of the enclosed chamber.</p>		<p>Pg. 7, lines 24-27; Pg. 8, lines 1-3.</p>
<p>5. The combination appliance apparatus of claim 1, wherein:</p> <p>the enclosed chamber has a heat exchange vent; and</p>		<p>Pg. 9, lines 22, lines 26-28.</p>

<p>the apparatus further comprising second gate means adapted for removably blocking the heat exchange vent, the controller being in communication with the second gate means to actuate the second gate means to block the heat exchange vent when the cooling mode is selected and to unblock the heat exchange vent when the heating mode is selected.</p>		Pg. 11, lines 9-11.
<p>6. The combination appliance apparatus of claim 1, wherein the apparatus includes a drawer slidably mounted below the enclosed chamber for housing the refrigeration unit.</p>		Pg. 8, lines 23-25; Fig. 12.
<p>7. The combination appliance apparatus of claim 1, wherein the drawer includes a partition separating the refrigeration unit from a storage section in the drawer.</p>		Fig. 12.
<p>8. The combination appliance apparatus of claim 1, the refrigeration unit further comprising:</p> <p>a compressor having a first</p>		Pg. 9, lines 12-15; Fig. 14.

<p>inlet and a first outlet;</p> <p> a condenser having a second inlet and a second outlet, the second inlet in fluid communication with the first outlet;</p> <p> an evaporator having a third inlet and a third outlet, the third inlet in fluid communication with the second outlet, and the third outlet in fluid communication with the first inlet; and</p> <p> an evaporator fan interposed between a cool air outlet of the evaporator and the cool air duct for drawing cool air away from the evaporator and into the cool air duct to cool the enclosed chamber.</p>		<p>Pg. 9, lines 15-18; Fig. 14.</p> <p>Pg. 9, lines 12-13, 21-22; Fig. 14.</p> <p>Pg. 9, lines 23-25; Fig. 1 (16).</p>
<p>9. The combination appliance apparatus of claim 8, wherein:</p> <p> the compressor, evaporator, and evaporator fan are mounted below the bottom wall of the enclosed chamber; and</p> <p> the condenser is mounted so as to release heat from a refrigerant to an area outside the enclosed chamber.</p>		<p>Pg. 10, lines 1-4; Fig. 12.</p> <p>Pg. 10, lines 1-4, page 9, line 16, and Fig. 12.</p>
<p>10. The combination appliance</p>		

<p>apparatus of claim 8, further comprising a drawer slidably mounted below the enclosed chamber, wherein the compressor, evaporator, and evaporator fan are located in the drawer.</p>	<p>Pg. 9, lines 10-25; Fig. 12.</p>
<p>11. The combination appliance apparatus of claim 1, further comprising a selector in communication with the controller for pre-selecting the cooling and heating modes and for pre-selecting times and temperatures in which the refrigeration unit and the heating unit are to operate in each of the cooling and heating modes.</p>	<p>Pg. 4, lines 16-17; Pg. 5, line 11; Pg. 8, lines 11-16.</p>
<p>12. The combination appliance apparatus of claim 1, further comprising a communication router in selective communication with the controller, the communication router being configured to enable an individual at a remote location to pre-select the cooling and heating-modes and to pre-select times and temperatures in which the refrigeration unit and the heating unit are to operate in each of the cooling and</p>	<p>Pg. 11, lines 20-23; Fig. 1(25).</p>

heating modes.		
<p>13. The combination appliance apparatus of claim 12, the communication router further comprising:</p> <p style="padding-left: 40px;">a communication input configured for connection to an external link for receiving a message from the remote location;</p> <p style="padding-left: 40px;">a processor in communication with the communication input, the processor identifying the message as one of a telephone call and a combination appliance control request;</p> <p style="padding-left: 40px;">a switch controllable by the processor, the switch having a switch input coupled to the communication input, a first switch output in communication with a telephone answering machine, and a second switch output in communication with the controller; wherein</p> <p style="padding-left: 40px;">when the processor identifies the message as the telephone call, the processor enables the switch to route the message from the communication input to</p>		<p>Pg. 12, lines 25-27.</p> <p>Pg. 3, line 10; Pg. 13, lines 21-24.</p> <p>Pg. 3, lines 7-13.</p> <p>Pg. 3, lines 7-13; Pg. 11, lines 24-29 to Pg. 12, lines 1-4.</p>

<p>the first switch output; and</p> <p>when the processor identifies the message as the combination appliance control request, the processor enables the switch to route the message from the communication input to the second switch output.</p>		<p>Pg. 3, lines 7-13; Pg. 11, lines 24-29 to Pg. 12, lines 1-4.</p>
<p>14. The combination appliance apparatus of claim 13, further comprising a data receiver in communication with each of the second switch output and the controller, the data receiver enabling communication between the second switch output and the controller in response to a received authorized access code.</p>		<p>Pg. 11, lines 24-29 to Pg. 12, lines 1-4.</p>
<p>15. A combination appliance apparatus comprising:</p> <p>an enclosed chamber including top, bottom, and vertical side walls, the bottom wall having an airflow inlet opening;</p> <p>surface burners mounted on top of the enclosed chamber;</p>		<p>Pg. 8, lines 5-9; Figs. 11-13.</p> <p>Pg. 8, lines 9-10; Figs. 11-13.</p>

<p>gate means adapted for removably blocking the airflow inlet opening;</p> <p>a heating unit positioned in the enclosed chamber, the heating unit including one of an electrical resistance heating element and a gas burner mounted on an interior surface of the enclosed chamber;</p> <p>a refrigeration unit positioned outside of the enclosed chamber, the refrigeration unit including:</p> <p>a cool air duct coupled to the airflow inlet opening of the enclosed chamber;</p> <p>a compressor having a first inlet and a first outlet;</p> <p>a condenser having a second inlet and a second outlet, the second inlet in fluid communication with the first outlet;</p> <p>an evaporator having a third inlet and a third outlet, the third inlet in fluid communication with the second outlet, and the third outlet in fluid</p>		<p>Pg. 9, lines 26-28 to Pg. 10, lines 1-10.</p> <p>Pg. 2, lines 21-22; Pg. 7, lines 24-27; Pg. 8, lines 1-3; Fig. 13.</p> <p>Pg. 2, lines 22-25.</p> <p>Pg. 2, lines 22-25.</p> <p>Pg. 9, lines 12-15; Fig. 14.</p> <p>Pg. 9, lines 15-18; Fig. 14.</p> <p>Pg. 9, lines 12-13, 21-22; Fig. 14.</p>
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<p>communication with the first inlet; and</p> <p>an evaporator fan</p> <p>interposed between a cool air outlet of the evaporator and the cool air duct for drawing cool air away from the evaporator and into the cool air duct to cool the enclosed chamber; and</p> <p>a controller in communication with the gate means, the heating unit, and the refrigeration unit for selectively activating the combination appliance apparatus; wherein</p> <p>when a cooling mode is selected, the controller actuates the gate means to unblock the airflow inlet opening and activates the refrigeration unit to deliver cool air through the cool air duct to the enclosed chamber; and</p> <p>when a heating mode is selected, the controller actuates the gate means to block the airflow inlet opening and activates the heating unit.</p>		<p>Pg. 9, lines 23-25; Fig. 1 (16).</p> <p>Pg. 10, lines 14-29 to Pg. 11, lines 1-11.</p> <p>Pg. 10, lines 5-9.</p> <p>Pg. 10, lines 10-13.</p>
<p>16. The combination appliance apparatus of claim 15, wherein:</p>		

<p>the compressor, evaporator, and evaporator fan are mounted below the bottom wall of the enclosed chamber; and</p> <p>the condenser is mounted so as to release heat from a refrigerant to an area outside the enclosed chamber.</p>	<p>Pg. 10, lines 1-4; Fig. 12.</p> <p>Pg. 10, lines 1-4, page 9, line 16, and Fig. 12.</p>
<p>17. The combination appliance apparatus of claim 15, wherein:</p> <p>the enclosed chamber has a heat exchange vent; and</p> <p>the apparatus further comprises second gate means adapted for removably blocking the heat exchange vent, the controller being in communication with the second gate means to actuate the second gate means to block the heat exchange vent when the cooling mode is selected and to unblock the heat exchange vent when the heating mode is selected.</p>	<p>Pg. 9, lines 26-28.</p> <p>Pg. 11, lines 9-11.</p>
<p>18. The combination appliance apparatus of claim 15, further comprising a selector in communication with the controller for pre-selecting the cooling and heating modes and for pre-selecting times</p>	<p>Pg. 4, lines 16-17; Pg. 5, line 11, Pg. 8, lines 11-16.</p>

and temperatures in which the refrigeration unit and the heating unit are to operate in each of the cooling and heating modes.		
<p>19. An adapter kit for converting an oven to a combination appliance apparatus, the oven including an enclosed chamber having top, bottom, and vertical side walls, and the oven including a heating unit positioned in the enclosed chamber, the adapter kit comprising:</p> <p style="padding-left: 40px;">a gate assembly configured for mounting below the bottom wall of the enclosed chamber to removably block an airflow inlet opening into the enclosed chamber;</p> <p style="padding-left: 40px;">a refrigeration unit including:</p> <p style="padding-left: 80px;">a compressor having a first inlet and a first outlet;</p> <p style="padding-left: 80px;">a condenser having a second inlet and a second outlet, the second inlet configured for placement in fluid communication with the first outlet;</p> <p style="padding-left: 80px;">an evaporator having a third inlet and a third outlet, the third inlet</p>		<p>Page 9, line 26-page 10, line 10.</p> <p>Page 2, lines 22-25.</p> <p>Page 9, lines 12-15 and Fig. 14.</p> <p>Page 9, lines 15-18 and Fig. 14.</p> <p>Page 9, lines 12-13 and 21-22 and Fig. 14.</p>

<p>configured for placement in fluid communication with the second outlet, and the third outlet configured for placement in fluid communication with the first inlet; and</p> <p>an evaporator fan configured for connection to a cool air outlet of the evaporator and configured to draw cool air away from the evaporator; and</p> <p>a control unit installable into the oven, the control unit including:</p> <p>a controller configured to control each of the gate assembly, the heating unit, and the refrigeration unit; and</p> <p>a selector in communication with the controller for enabling an individual to instruct the controller to operate in each of a heating and cooling mode, and to pre-select times and temperatures in which the refrigeration unit and the heating unit are to operate in each of the cooling and heating modes.</p>		<p>Page 9, lines 23-25; Fig. 1(16).</p> <p>Page 10, line 14-page 11, line 11.</p> <p>Page 10, line 14-page 11, line 11.</p> <p>Page 10, lines 5-13.</p>
<p>20. The adapter kit of claim 19, further comprising a communication router</p>		<p>Pg. 11, lines 20-23; Fig. 1(25).</p>

configured for selective communication with the controller of the control unit, the communication router being configured to enable an individual at a remote location to pre-select the cooling and heating modes and to pre-select times and temperatures in which the refrigeration unit and the heating unit are to operate in each of the cooling and heating modes.		
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VI. 37 CFR 1.607(A)(6)

37 CFR 1.607(a)(6) is irrelevant since this request and claims 1-20 were presented prior to one year from the date on which the '276 patent was granted.

VII. 37 CFR 1.608

37 CFR 1.608 evidence will be submitted.

Respectfully submitted,



W. Todd Baker
Registration No. 45,265
Attorney of Record
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Alexandria, Virginia 22314
(703) 412-6383 (direct dial)
(703) 413-2220 (facsimile)
TBAKER@OBLON.COM (e-mail)

Customer Number
22850

Of Counsel:

Charles L. Gholz
Registration No. 26,395
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, Virginia 22314
(703) 412-6485 (direct dial)
(703) 413-2220 (facsimile)
CGHOLZ@OBLON.COM (e-mail)

Susan L. Mizer, Esq.
Tucker Ellis & West LLP
1150 Huntington Bldg.
925 Euclid Avenue
Cleveland, Ohio 44115
(216) 592-5000 (main dial)
(216) 696-3466 (direct dial)
(216) 696-2645 (facsimile)
SMIZER@TUCKERELLIS.COM (e-mail)

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